

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
STEVEN M. HAAS  
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 SUPERIOR AVENUE, SEVENTH FLOOR  
CLEVELAND, OH 44114-2579

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference <b>ROKZ20007PCT</b>		Date of mailing (day/month/year) <b>29 JUL 2003</b>
International application No. <b>PCT/US04/38334</b>		FOR FURTHER ACTION See paragraph 2 below
International filing date (day/month/year) <b>16 November 2004 (16.11.2004)</b>	Priority date (day/month/year) <b>17 November 2003 (17.11.2003)</b>	
International Patent Classification (IPC) or both national classification and IPC <b>IPC(7): G06F 13/00 and US Cl.: 710/300</b>		
Applicant <b>ROCKWELL AUTOMATION TECHNOLOGIES, INC.</b>		

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-8300	Authorized officer Rehana Perveen Telephone No. 571-272-3950
--	--

Form PCT/ISA/237 (cover sheet) (January 2004)

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/38334

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US04/38334

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>4,6,7,9-13,15,16,20 and 21</u>	YES
	Claims <u>1-3, 5, 8, 14, 17-19</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-21</u>	NO
Industrial applicability (IA)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and explanations:**

Please See Continuation Sheet

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/38334

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-3, 5, 8, 14, and 17-19 lack novelty under PCT Article 33(2) as being anticipated by LICHT.

Regarding claim 1, LICHT discloses a primary wireless device and the associated industrial controller (paragraph 18, (15)), the secondary wireless device connected by a wireless backplane link (paragraph 19), where at least one input/output module where an associated field device is adapted to communicate with the controller (e.g., paragraph 20, (22)).

Regarding claim 2, LICHT also discloses the plurality of secondary wireless devices with input/output modules, each secondary wireless device connected by a plurality of primary wireless backplane links (e.g., paragraph 20, (22, 27, 31)).

Regarding claim 3, LICHT also discloses the secondary wireless devices are uniquely identified (e.g., paragraph 19, "similarly equipped with the RFID chip set").

Regarding claim 5, LICHT also discloses selecting the configuration device (e.g., paragraph 18, "may also be a part of the schematic").

Regarding claim 8, LICHT discloses the "some of said plurality ... in different environments" (e.g., paragraph 12, "remote location").

Regarding claim 14, LICHT also discloses the backplane comprises a radio frequency (e.g., paragraph 4).

Regarding claims 17 and 18, LICHT also discloses the secondary wireless devices comprise a backplane and the module is physically connected (e.g., Figure 3 (22); paragraph 20).

Regarding claim 19, LICHT also discloses the network adapter and primary wireless device (e.g., paragraph 20 (31)) remote from the controller (e.g., paragraph 17; paragraph 20, "PLC").

Claims 4, 6-7, 13, and 15 lack an inventive step under PCT Article 33(3) as being obvious over LICHT in view of DEFOSSE.

Regarding claim 4, LICHT does not expressly mention the particular nature of the communication; however DEFOSSE discloses the communication of time-sensitive (e.g., paragraph 24, "vending events") and time-insensitive (e.g., paragraph 24, "equipment parameters") data to the primary wireless device. It would have been well known to use DEFOSSE with LICHT because DEFOSSE teaches the advantages of using both forms of data for the purposes of control in a system such as LICHT.

Regarding claim 6, LICHT does not expressly teach the use of redundant paths; however, DEFOSSE does disclose redundant wireless

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US04/38334

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Claim 21 lacks an inventive step under PCT Article 33(3) as being obvious over LICHT in view of KEYES.

Regarding claim 21, LICHT does not expressly mention a peer-to-peer form of communication; however this would have been well known to use, as disclosed in KEYES; who discloses the particular form of master-servant communication (e.g., paragraph 63). It would have been well-known to use KEYES with LICHT because KEYES discloses a particular form of communication useful in industrial controllers such as LICHT.

Claims 1-21 meet the criteria set out in PCT Article 33(4) and thus have industrial applicability because the subject matter claimed can be made or used in industry.